

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE P. JAMES

Plaintiff,

v.

YORK COUNTY POLICE DEPARTMENT,
JAMES H. MORGAN, RICHARD PEDDICORD,
RAYMOND E. CRAUL, GENE FELS,
DET. KESSLER, CO. BAYLARK,
RANDY SIPES, BRIAN WESTMORELAND,
and DETECTIVE GLOWCZESKI
Defendants,

CIVIL ACTION NO. 1:01-CV-1015
(Judge Kana) ✓
(Magistrate Judge Mannion)

JURY TRIAL DEMANDED

FILED
HARRISBURG

AUG 27 2004

MARY E. D'ANDREA, CLERK
Per *[Signature]*
DEPUTY CLERK

PRO SE PLAINTIFF'S MOTION FOR ENLARGEMENT OF TIME TO FILE OBJECTION TO THE

MAGISTRATE JUDGE REPORT AND RECOMMENDATION, DATED AUGUST 17th, 2004.

Pursuant to Federal Rule Of Civil Procedure and Local Rules, pro se Plaintiff's, Tyrone P. James, hereby move the Court For an Enlargement Of Time, in which to file a objection to the Magistrate Report and Recommendation, addresssing case dispositive motions pursuant to 28 U.S.C. § 636 (b)(1)(B); Local Rule 72.2. In support thereof Plaintiff's state the followings:

1. On March 12, 2004, defendant Sipes, filed a motion to dismiss complaint; Plaintiff's filed brief in response on March 15, 2004. (Doc. NO. 137).

2. On April 13, 2004, defendants, Morgan, Westmoreland, Craul, Peddicord and Kessler, filed Motion For Summary Judgment along with supporting brief, Statement of facts and Apprendix. (Doc. 146, 147, 148, 149).

3. On May 4, 2004, Magistrate Judge issued a order, ordering full discovery, by both side, to be complete by July 15, 2004; Despostion Hearing was order against the Plaintiff's, to be conducted by the defendants. Plaintiff's was denied the appointment of counsel to represent him in this matter.

4. On June 30, 2004, Defendants filed supplemental brief in support of their motion for summary judgment; with uncertified deposition transcripts,

5. Plaintiff's filed a opposing motion, statement of material facts, appendix and exhibits (Doc. 177, 178, 179, 180); Plaintiff's filed a second opposing response to defendant supplemental summary judgment motion with supporting declaration. (Doc. Nos. 183, 184).

6. On August 19, 2004, Plaintiff's received the Magistrate Judge, report and recommendation dated, August 17th, 2004.

7. Plaintiff's requested medical records from the York County Prison and SCI-Rockview, to obtained medical documents, to show this Court of the injury plaintiff's sustain and continue to affect this plaintiff; furthermore, plaintiff's have submitted a motion to direct the U.S. Marshals, to order the U.S. Marshal, to served subpoenas upon defendants employers, to produce documents, based upon the defendants erroneous answers to plaintiff's request for admission and second request for interrogatories,

8. Plaintiff's is indigent and only received nominal wages, from institution earnings, here at SCI-Rockview; he is available to make copies, to submit various exhibits, to the Court, to support his claims

9. Plaintiff's is without adequate access to Law library; furthermore, he participate in the Architectural Drafting Vocational Program, here at Rockview, as part of his prescriptives Plan, is in his second years, as an a apprentice; therefore, his time to the law library is limited; he would not be available to accomplish the research needed to answer this Report and Recommendation.

10. Plaintiff's also suffered from a mental disability, and is disable, under the American Disability Act, where he impairs and response to situation much closer than the averages individual; that included time to do legal research. The inmate, who provided plaintiff's with legal assistance, is not at this institution any more; therefore, research for him is much more difficult; as plaintiff's is not a train attorney, in this field.

11. The interest of justice would not served, if plaintiff is not granted extended time to file his objections and response. The Defendants would not be prejudice by this motion for enlargement of time.

WHEREFORE, Plaintiff's, respectfully pray that this Court granted an enlargement of time of thirty (30), in which to research his case and file objections to the Magistrate Judge report and recommendation

Respectfully Submitted,

Date: August 23, 2004.

Tyrone James

Tyrone P. James

EX 9451

P.O. Box A

Bellefonte, PA 16823-0820.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE P. JAMES	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 1:01-CV-1015
	:	(Judge Kana)
	:	(Magistrate Judge Mannion)
YORK COUNTY POLICE DEPARTMENT,	:	
JAMES H. MORGAN, RICHARD PEDDICORD,	:	JURY TRIAL DEMANDED
RAYMOND E. CRUAL, GENE FELS,	:	
DET. KESSLER, CO. BAYLARK,	:	
RANDY SIPES, BRIAN WESTMORELAND,	:	
and DETECTIVE GLOWCZESKI	:	
Defendants,	:	

CERTIFICATE OF SERVICE

I, Tyrone P. James, Plaintiff's, pro se, hereby certified that, I am this day serving a true and correct copy to assigned counsel's "Pro Se Plaintiff's Motion For Enlargement Of Time To File Objection To The Magistrate Judge Report And Recommendation, Dated August 17th, 2004," in the manner set forth below to the following, by placing said Legal mail into a legal envelop, by deposited into the institutional mail box, and turning over said documents to prison officials for mailings, on August ²³~~24~~, 2004.

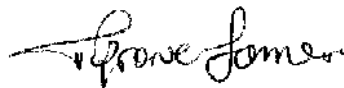
I certify under penalty of perjury that the foregoing is true and correct; pursuant to 28 U.S.C. § 1746.

BY FIRST CLASS U.S. MAIL:

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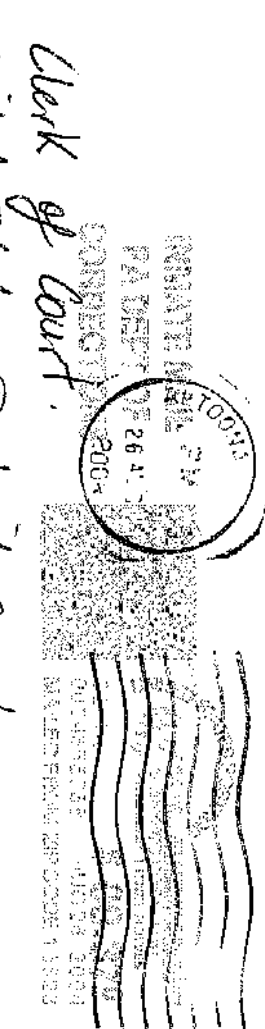
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